

STAFF REPORT  
November 9, 2006

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**No. 06PD061 - Planned Residential Development - Initial and Final Development Plan**      **ITEM 41**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering for Franklin O. Simpson
REQUEST	<b>No. 06PD061 - Planned Residential Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning
PROPOSED LEGAL DESCRIPTION	Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 26, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.39 acres

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LOCATION	Southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive
EXISTING ZONING	Medium Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation) - Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/11/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Planned Residential Development - Initial and Final Development Plan be **approved with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved for the lots;**
- 3. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 4. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,**
- 5. The Planned Residential Development shall allow for the construction of townhomes and/or single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.**

GENERAL COMMENTS:

**(Update, October 30, 2006. All revised and/or added text is shown in bold print.) This item was continued at the October 26, 2006 Planning Commission meeting to allow staff to review a revised Layout Plat and Master Plan and to be heard in conjunction with an associated Variance to the Subdivision Regulations. The revised Layout Plat and revised site plan for the Initial and Final Residential Development Plan identifies 12 townhome lots and two single family residential lots in lieu of 22 townhome lots as**

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**originally proposed. In addition, the applicant has submitted a Phasing Plan showing the property being developed in three phases in lieu of one phase (See companion items #06PL132 and 06SV067.)**

(Update, October 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the October 5, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate an arterial street along the west side of the property. In addition, on October 13, 2006, the applicant submitted a revised Layout Plat and a site plan reducing the lots to 12 townhome lots and two single family residential lots and a Master Plan showing the development of the property in three phases. The applicant also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along an access easement as it abuts the subject property. Staff is recommending that this item be continued to the November 9, 2006 Planning Commission meeting to allow staff to review the recently submitted revised Layout Plat and Master Plan and to be heard in conjunction with the associated Variance to the Subdivision Regulations.

(Update, September 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate two arterial streets as they extend through the subject property.

The applicant has submitted an Initial and Final Planned Residential Development to allow 22 townhomes to be constructed on the subject property. In addition, the applicant has also submitted a Variance to the Subdivision Regulations to reduce the pavement width along Sunny Springs Drive from 27 feet to 24 feet. The applicant has also submitted a Layout Plat to subdivide the subject property into 22 townhome lots leaving two non-transferable unplatted balances. In addition, the applicant has submitted a Comprehensive Plan Amendment to the North Rapid Neighborhood Area Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to Medium Density Residential District. In addition, the applicant has submitted a Planned Development Designation for the subject property. (See companion items 06PL132, 06PD061, 06CA024, 06RZ028 and 06SV050.)

The property is located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive. Currently, a single family residence is located on the property.

**STAFF REVIEW:**

Currently the eastern portion of the subject property is zoned General Agriculture District and the western portion is zoned Medium Density Residential District. A Planned Residential District is not a permitted and/or a conditional use in the General Agriculture District. As noted above, the applicant has submitted a Rezoning request to change the

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zoning designation from General Agriculture District to Medium Density Residential District on the eastern portion of the property. In addition, during the review of the Preliminary Plat, staff noted that the plat document must be revised to show a minor arterial street along the south lot line and a minor arterial street extending from S. Plaza Drive across the southwest corner of the subject property as per the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan must be obtained eliminating and/or relocating the street(s). In addition, Sunny Spring Court must be extended to the south lot line as required by the Subdivision Regulations or an alternate street connection must be provided to the south in order to ensure street and utility connectivity between properties. The Layout Plat and the Initial and Final Residential Development Plan could significantly change with the addition of these street connections.

On September 8, 2006, the applicant submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate two arterial streets as they extend through the subject property. In particular, the applicant is proposing to relocate the east-west minor arterial street approximately 80 to 100 feet south of its current location on an adjacent property. However, the adjacent property is under different ownership than the subject property. In addition, the adjacent property owner has indicated that they do not support the proposed relocation as identified. Staff has also noted that there are not any apparent topographic benefits to relocate the minor arterial street as proposed. The applicant is also proposing to relocate the minor arterial street approximately 120 feet west of its current location to the west lot line of an adjacent property, also owned by the applicant. The applicant has also submitted a site plan showing a revised street intersection with S. Plaza Drive which requires the acquisition of a portion of an adjacent property under different ownership than the subject property. The adjacent property owner has indicated that they oppose the proposed location of the minor arterial street and the potential use of any portion of their property to improve the alignment of the street to S. Plaza Drive. There are no apparent topographic constraints precluding the construction of the street in its current location as shown on the Major Street Plan.

Staff is recommending that the Comprehensive Plan Amendment to the Major Street Plan to relocate the arterial street(s) be denied. In addition, the Layout Plat has not been revised to provide a street connection through the subject property to the south lot line as previously requested. As noted above, the Layout Plat and the associated site plan submitted with this application could significantly change with the addition of these street(s). As such, staff is recommending that the Initial and Final Residential Development Plan be continued to allow the applicant to revise the site plan providing a street connection to the south lot line of the subject property and to comply with the Major Street Plan.

**Staff has reviewed the Initial and Final Planned Residential Development request and has noted the following considerations:**

**Zoning: The eastern portion of the subject property was zoned General Agriculture District when this application was first submitted. The applicant subsequently submitted a Rezoning request to change the zoning designation from General Agriculture District to Medium Density Residential District. In addition, the applicant**

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submitted a Comprehensive Plan Amendment to the Future Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development. On September 18, 2006, the City Council approved the Rezoning request and the Comprehensive Plan Amendment request. In addition, on October 5, 2006, staff approved a Planned Development Designation for the subject property. (See companion items #06CA024, 06RZ028 and 06PD062.)

**Design Features:** The applicant has indicated that the proposed single family residences and townhomes will be constructed with a combination of stone, glass, wood, brick, drivet and cement board or hard board siding. In addition, the single family residences and townhomes are proposed to be one story structures with attached garages and a contiguous pitched roof with asphalt shingles. The applicant has also indicated the residences will be earth tone in color. Staff is recommending that the residences conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development.

**Setbacks:** The applicant's site plan identifies that all of the residential structures are in compliance with the minimum required setbacks as per the Medium Density Residential District. As such, staff is recommending that all provisions of the Medium Density Residential District be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

**Notification Requirement:** The certified mailing receipts have been returned. In addition, the sign is posted on the property. Staff has received two calls of inquiry.